IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.55352-M of 2006

DATE OF DECISION:21.9.2006

Harjit Singh & Anr. .....Petitioners

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri G.S. Kaura, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

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Petitioners Harjit Singh and Avtar Singh apprehending their arrest in a non-bailable offence in case FIR No. 117 dated 2.8.2006 under Sections 15/61/85 of NDPS Act, registered at Police Station Sadar Kotkapura, District Faridkot have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Though in the FIR, no person has been named, as it was stated that two unidentified persons ran away from the spot by leaving the maruti car in which 90 kgs of poppy husk was recovered but during the investigation some material has been collected from which it appears that the petitioners have purchased the said car from one Sukhpal Singh by way of an affidavit. During the investigation, the police has collected the affidavits of various persons to whom the said car was transferred by the original owner. During investigation, the petitioners themselves have also made extra judicial confession before Mangal Singh, Member Panchayat. Petitioners were also identified by Sukham Singh, owner of the field, where

the car was left.

Keeping in view of the aforesaid material collected by the Investigating Agency and provision of Section 37 of the NDPS Act, I am not inclined to grant anticipatory bail to the petitioners.

Dismissed.

September 21, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**